

## REMARKS

### **Summary**

Claims 1-71 were pending. Claims 8-42 and 45-47 were previously withdrawn in response to an election of species requirement. New Claims 48-47 were introduced at that time and, in this Office action, the Examiner has made a further restriction of the newly introduced claims such that Claims 43, 44, 49, 50, 51, 55-57 and 61-67 are also withdrawn from consideration. Claims 1-7, 48, 52-54, 58-60 were rejected, and Claims 48 and 54 were objected to in the present Office action. Claims 48, 54 and 55 have been amended. No new matter has been added. The Applicants have considered the references and the arguments made by the Examiner and respectfully traverse the rejections on the basis that a *prima facie* case of anticipation has not been set forth.

### **Election of Species**

As the original election of species was made without traverse, the same response is appropriate here. However, the Applicants note that in the Office action of April 24, 2006, the Examiner asserted that no claim was considered to be a generic claim. As the species were then only identified with respect to figures in the application, the identification of claims with species was unclear, and has only now been settled by the Examiner's action. The Applicants take this opportunity to assert that at least the independent claims now being examined are generic to the claims dependent thereon.

### **Objections**

Claims 48 and 54 were objected to on the basis of informalities. With respect to Claim 48, the Applicants have amended line 11 to change the indefinite article to a definite article. However, the Applicants respectfully traverse the objection to the use of "a plurality of the conductive pairs" in line 12.

"[A]" or "an" in patent parlance carries the meaning of "one or more" in open-ended claims containing the transitional phrase "comprising." See *Elkay Mfg. Co. v. Ebco Mfg. Co.*, 192 F.3d 973, 977, 52 USPQ2d 1109, 1112 (Fed. Cir. 1999); *AbTox*,

*Inc. v. Exitron Corp.* , 122 F.3d 1019, 1023, 43 USPQ2d 1545, 1548 (Fed.Cir. 1997); *North Am. Vaccine, Inc. v. American Cyanamid Co.* , 7 F.3d 1571, 1575-76, 28 USPQ2d 1333, 1336 (Fed.Cir. 1993); see also Robert C. Faber, *Landis on Mechanics of Patent Claim Drafting* 531 (3d ed. 1990). Unless the claim is specific as to the number of elements, the article “a” receives a singular interpretation only in rare circumstances when the patentee evinces a clear intent to so limit the article.

In the present Claim 48, the recitation of “a conductive line pair” in line 9 serves as the antecedent basis for the recitation of “a plurality of the conductive line pairs” in line 12, in idiomatic English.

Claim 54 as been amended to correct the informality, as has withdrawn Claim 55.

### **Claim Rejections**

#### **35 U.S.C. 102(b)**

Claims 1-4, 7, 48, 52-54 and 58-60 were rejected under 35 U.S.C. 102(b) as being anticipated by Hernandez (US RE 35,064; “Hernandez”). The reference is a reissue of US 5,065,284.

Claim 1 recites, *inter alia*, chip capacitors connected to the first conductive rods and arranged in a lattice

The Applicants respectfully traverse the Examiner’s characterization of element 102 [not labeled, but shown in FIG. 9] in FIG. 13 as a “chip capacitor”. At col. 6 line 10-11, the reference describes element 102 as “spaced ceramic chips”. Hernandez clearly teaches away from this element being a discrete capacitor at col. 6, lines 38-49, where the advantages of the invention taught is that it “eliminate[es] the need for discrete decoupling capacitors”. Moreover, an isolated ceramic chip is not a capacitor *per se*, as will be appreciated by a person of ordinary skill in the art. As such, the reference does not teach the arrangement of Claim 1, and all of the elements thereof, and a *prima facie* case of anticipation has not been made out.

Claims 2-7, 48, 52-54, and 58-60 were rejected for the reasons traversed above, and are allowable for at least the same reason, or as claims dependent on an allowable claim.

Claims 1-7, 48, 52-54 and 58 60 were rejected under 35 U.S.C. 102(b) as being anticipated by McKinzie III (US 6,476,771; "McKinzie"). FIG. 9 of the reference is used as showing the elements described by the Examiner. The Applicants respectfully traverse the Examiner's characterization of elements 911 and 914 as "chip capacitors" or even as capacitors, based on a purported association in the reference with "capacitive frequency surface (FSS) capacitors." The term "capacitive frequency selective surface (FSS)" is used to describe element 102 in FIG. 1 (col. 3, lines 29-31), and is not found elsewhere in the specification, nor is the word "capacitor" found in the phrase. The Examiner's terminology describing element 102, or elements 911 and 914, as a "chip capacitor" is not supported by the specification, and the Examiner makes no attempt to explain why a reasonable person of ordinary skill in the art would accept the proffered term. As such, similarly to the discussion of the first reference, the Examiner has not shown that all of the elements and limitations of the present claims are taught in a single reference, and thus a *prima facie* case of anticipation has not been made out.

Claims 2-7, 48, 52-54 and 58 60 were rejected for the reasons traversed above, and are allowable for at least the same reason, or as claims dependent on an allowable claim.

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### **Conclusion**

Claims 1-7, 48, 53-54 and 58-60 are pending.

The Applicants respectfully submit that the application is in condition for allowance. The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

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